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FBRIC54.003APC  
dea / RDS  
ay

U.S. APPLICATION NUMBER NO. 10/586,772	FIRST NAMED APPLICANT Peter Schofield	ATTY. DOCKET NO. FBRIC54.003APC
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20995  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

INTERNATIONAL APPLICATION NO. PCT/AU05/00078	
I.A. FILING DATE 01/24/2004	PRIORITY DATE 01/23/2004

CONFIRMATION NO. 4743

371 FORMALITIES LETTER



\*OC000000021225847\*

Date Mailed: 11/15/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EI/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/21/2006
- Copy of the International Search Report filed on 07/21/2006
- Preliminary Amendments filed on 07/21/2006
- Biochemical Sequence Diskette filed on 07/21/2006
- Small Entity Statement filed on 07/21/2006
- U.S. Basic National Fees filed on 07/21/2006
- Priority Documents filed on 07/21/2006
- Specification filed on 07/21/2006
- Claims filed on 07/21/2006
- Abstracts filed on 07/21/2006
- Drawings filed on 07/21/2006
- Paper nucleotide sequence listings filed on 07/21/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$1355 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$2045** for a Small Entity:

- **\$65** Surcharge.
  - The specification and drawings contain more than 100 pages. Applicant owes **\$625** for **227** pages in excess of **100** pages for a small entity in compliance with 37 CFR 1.27.
- Total additional claim fee(s) for this application is **\$ 1355**
  - **\$500** for **5** independent claims over 3.
  - **\$675** for **27** total claims over 20.
  - **\$180** for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://spportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/586,772	PCT/AU05/00078	FBRIC54.003APC

## **STIC Biotechnology Systems Branch**

### **RAW SEQUENCE LISTING** **ERROR REPORT**

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/586,772  
Source: IFWP  
Date Processed by STIC: 7/31/06

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER**  
**VERSION 4.4.0 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND  
TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):  
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06



IFWP

RAW SEQUENCE LISTING                      DATE: 07/31/2006  
 PATENT APPLICATION: US/10/586,772              TIME: 14:46:26

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 4     Blair, Ian  
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*Sept 2, 6, 8-10*  
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 Corrected Diskette Needed

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325	ttaatagagg	tctttaattt	ttatgtaatt	gaatttgtaa	atcttttctt	tcattttaaa	6900
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329	ttttcttcca	aatcatttga	caattggcct	tacagcttta	cattttaatt	catcaagaaa	7020

## RAW SEQUENCE LISTING

DATE: 07/31/2006

PATENT APPLICATION: US/10/586,772

TIME: 14:46:26

Input Set : A:\FBRIC54.003APC Sequence Listing.txt

Output Set : N:\CRF4\07312006\J586772.raw

331	atgtttatgt	ttatagtgtg	cagtaaggat	gcaatttttc	ttttttacgt	gagtgagat	7080
333	aaccgatgcc	cctcatcccg	cctgatgaa	tgcttagagc	agctgtgggt	acctgtgaa	7140
335	aatgtgactg	caagcttgag	aataaaggca	tgacttgaca	tgactgaggg	atgggatgcc	7200
337	gtcaacactg	aagtgaacct	tagctttatt	acaaagcaca	actcaaatca	tatcatgtga	7260
339	ttcccagcac	ttgtagagcg	tgaggtggcg	ggatcacctg	aggtcgaggag	ttcaagtcca	7320
341	acctggccaa	catgggtgaaa	ccccgtctct	actacaaata	caaaaaatag	ctgggcatgg	7380
343	tggtgggtgc	ctgtaatacc	agctaactcag	gaggtgaggg	caggagaatt	gcttgaacct	7440
345	aggaagtga	gtttgcagtg	agccaagatc	acaaactctg	actccagcct	cctgggtgac	7500
347	agagcgacac	tccgtctcaa	aaaaaaaaaa	aaaaaaaaaa	aaaaaaaaaa	aaaaaaccaa	7560
349	ctaaaaagaa	taagcaaatc	tagatcaacc	tcctactctg	gataacagca	tgaaatacgt	7620
351	gctatcctat	aaagcttcaat	acaattttgc	atacactgaa	gtctatctct	agtcaagtgt	7680
353	agctataacc	accagtaact	tagtgccatt	caagctgtat	tttgtgtgc	atatttgcca	7740
355	gatgacatca	ttgaataaat	agagtgtggc	caacaagccc	tcaggtttga	agtcgtttct	7800
357	atcccaccgg	tggaatgaat	agcagtgccc	gggtgtggta	agggaaactgg	gcacagtgtc	7860
359	attgcatgcc	ttctcaatta	atcatgcaaa	ttagccagtt	gggtgagaca	gtccactgaa	7920
361	tcataaattt	catgtctgat	aaattgaaca	tgtacataca	aagagaagt	tgaggtctca	7980
363	gaaacccagc	ttcttcaaaa	tgcatagtct	ttttttaa	cagggaaggaa	ataattgtct	8040
365	aatggaactc	aaatccatcac	ttctgggccc	cataaataac	acaagtctct	cttttagaaa	8100
367	gtcacaattg	gggaagaaaa	caggcccaca	agctgtatgt	gctgtattct	cactgaccag	8160
369	attttgcaag	ctattttgtg	gcttagaagg	ttcttagacc	tgctctgtcc	aaaatggtag	8220
371	gcgttagctc	catataactg	tttaaattta	aatgaattaa	aattaaataa	caataaaact	8280
373	tcagttctct	actttgcact	agccacctgt	caggtactca	gtagtgcacc	ccagggcacg	8340
375	atagatagaa	cattcccatc	atcacataga	gtccttggat	agaactatc	tatacatatt	8400
377	cttccagctc	atgcacaggg	ttctaacatt	cgtggtagtc	cttaaatggt	taccaagtgt	8460
379	tttctcatcc	tcataacatt	attggtagaa	agccaataat	attttattaa	tagccaataa	8520
381	taattttatc	caaaatttct	tatcaattgc	tgagtagcag	atccctccaa	aacatagcaa	8580
383	tttaaacac	aaacatttgt	taactcccat	catttctgat	ggtcaggggg	ctgggtgtgg	8640
385	tcggctgggt	gatgtggctc	aggggcccct	atgagggcga	aagtcagat	gtctgctggg	8700
387	gctgcagtcg	ttctgaaggta	cagctagggc	tggggaccga	ctttctagct	cactcatgtg	8760
389	gctgttagaa	gaagccttcc	attctctatc	acgtgggctt	ctggctttcc	ccagagtga	8820
391	taacaggaga	gactatgaga	gcgagagcga	gagagagcca	ggagagacct	cggtctcttt	8880
393	tatagttgct	gaggggtgaa	tggtcccccc	agagctcagg	tggtgaaaac	atgatcccca	8940
395	aggtggccgt	gttgggtagt	ggggcctagg	gagaggtatt	tggggaatcc	ggcatcaccc	9000
397	tcatgaacag	attaaggctta	ttatggaggg	agtgggttcc	ttataaaaac	acaagtccaa	9060
399	tctctcttct	ttctttctct	tgcttctctc	caacctctca	cctccaccca	tggaatgctg	9120
401	ataaagagaa	ggcccttgcc	aggtgctggg	ccctcagctc	tggaactctc	agcttccaa	9180
403	ggcgtgagcc	aagcaatttc	tggtcatgtg	aaatacccca	gtctgtgcta	ttctattaca	9240
405	gcagcacaaa	atggactaag	acaataacct	aatctcagaa	gtgacatctg	gtcctttctg	9300
407	tattattctta	ttacacagac	cctgtgggat	aagagatggg	ggagatgaca	ccaaagtgtg	9360
409	aggaatcgga	tttagagatc	ctgaggctca	gcttagctgc	ttcgctaatc	acactttagc	9420
411	taatccccca	ttgcacactta	agaagccaag	taatttgcca	agttttacaca	cagcccgtaa	9480
413	atgtcgacga	cagaacgtct	acctcaatcc	tgacttttag	ctccgtttct	ctacagtaact	9540
415	ccacctttac	ccatctatgat	accaccccac	ccccctttaa	caatttggct	ttcaagaaat	9600
417	caatgacaca	gatgaataat	gttaacctgc	aattgtttca	gctaaagttc	aaaaggtctc	9660
419	agaagtctga	ttataacaaa	atgtccctct	cctttcactg	ctttttcagg	acaaaatgat	9720
421	cataagcagc	taggaaaaaa	acagaaaagg	ctcgtactgc	acaaagattt	ttctcctgac	9780
423	caaaacttcg	ctgggctctt	gcaagccccc	caggctgtga	ccttggtgtc	tgctcttgtt	9840
425	gcacctgcac	tgaccacttg	cagcaagagt	ctcgtgagtc	actttaccca	gaacctctct	9900
427	cactcgtgat	gtatcgttgt	agttgttttc	catccacaga	ccctccccc	tttgcctcct	9960



RAW SEQUENCE LISTING ERROR SUMMARY      DATE: 07/31/2006  
PATENT APPLICATION: US/10/586,772      TIME: 14:46:27

Input Set : A:\FBRIC54.003APC\_Sequence Listing.txt  
Output Set: N:\CRF4\07312006\J586772.raw

Please Note:

Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

Seq#:22; N Pos. 368  
Seq#:24; N Pos. 99,253  
Seq#:25; N Pos. 7,13,21,27,72,143,156  
Seq#:26; N Pos. 115,302,402,403,411,441,455,462,465,466,467,471,475,477,479  
Seq#:26; N Pos. 480,481  
Seq#:27; N Pos. 253,280,317  
Seq#:29; N Pos. 3,32,253,322  
Seq#:30; N Pos. 168

## VERIFICATION SUMMARY

DATE: 07/31/2006

PATENT APPLICATION: US/10/586,772

TIME: 14:46:27

Input Set : A:\FBRIC54.003APC\_Sequence Listing.txt

Output Set: N:\CRF4\07312006\J586772.raw

L:10 M:270 C: Current Application Number differs, Replaced Current Application No  
L:10 M:271 C: Current Filing Date differs, Replaced Current Filing Date  
L:11507 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:22 after pos.:360  
L:11548 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:24 after pos.:60  
M:341 Repeated in SeqNo=24  
L:11602 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:25 after pos.:0  
M:341 Repeated in SeqNo=25  
L:11683 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:26 after pos.:60  
M:341 Repeated in SeqNo=26  
L:11733 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:27 after pos.:240  
M:341 Repeated in SeqNo=27  
L:11794 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:29 after pos.:0  
M:341 Repeated in SeqNo=29  
L:11826 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:30 after pos.:120

from sequence 1

10/586,772 8

tcttgatccc tgtctttcca agaagcctct agaggaaaag ccttcccagc catacagtgc 148080

ccgggaaagc ctgtctgaag tgcagtcctc gagctccttc cagtcctc ~~cgtgcgatga~~ 148140

"y" is at location 148109

↓  
"c" is at  
location  
148129

10/586.772 9

from sequence 1

aaactgttct taatgaatag gtgtttgaac ttgtcagtaa tagagaagaa catattcatt 148380

location 148333

10/586,272 10

<210> 6  
<211> 16781  
<212> DNA  
<213> artificial sequence

(see item 11 on Ena summary sheet)

<220>  
<223> FAT fragment

give source of genetic material

<400> 6